



UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)	Group Art Unit: 1635
)	
BECKER <i>et al.</i>)	Examiner: Lacourciere, K.
)	
Serial No. 09/808,558)	Atty. Docket No. GP068-05.CN3
)	
Filed: March 14, 2001)	Confirmation No. 3920
)	
For: MODIFIED OLIGONUCLEOTIDES AND)	[February 15 th = Sunday
METHODS FOR DETERMINING THE)	February 16 th = Holiday]
PRESENCE OF A NUCLEIC ACID)	
ANALYTE IN A SAMPLE)	

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS
FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE
AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice to Comply mailed on January 16, 2004 (copy enclosed) in the above-captioned application, Applicants are enclosing herewith amendments to the Sequence Listing in the form of substitute sheets and a substitute copy of the computer readable form.

I hereby state that the amendments, made in accordance with 37 C.F.R. § 1.825(a), included in the substitute sheets of the Sequence Listing enclosed herewith are supported in the application, as filed, at the following locations: page 37, line 18, through page 38, line 6; the paragraph bridging pages 63 and 64; and page 67, lines 9-20. I hereby state that the substitute sheets of the Sequence Listing do not include new matter.

RESPONSE TO
NOTICE TO COMPLY

Serial No. 09/808,558
Atty. Docket No. GP068-05.CN3

I hereby state that the substitute copy of the computer readable form, submitted in accordance with 37 C.F.R. § 1.825(b), is the same as the amended Sequence Listing.

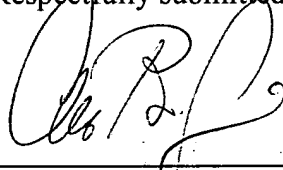
No fee is believed due in connection with this Response. If Applicants are mistaken, please charge the amount due to Deposit Account No. 07-0835 in the name of Gen-Probe Incorporated.

Certificate of Mailing

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is being deposited on the date indicated below with the U.S. Postal Service as first class mail addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: February 17, 2004

Respectfully submitted,



By:

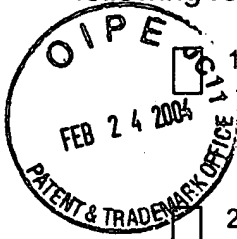
Charles B. Cappellari
Registration No. 40,937
Attorney for Applicants

GEN-PROBE INCORPORATED
Patent Department
10210 Genetic Center Drive
San Diego, California 92121
PH: 858-410-8927
FAX: 858-410-8928

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):



- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: Sequences not identified by SEQ ID NO:#

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing". (If the unidentified sequences are not provided on the CRF)
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification. (If the unidentified sequences are not provided in the paper copy)
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d). (If a new paper and/or CRF are required)

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY